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SUITE 110			2185		
BELLEVUE	s, WA 9	78004	DATE MAILED: 11/03/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)					
		10/734,659	HILLIS ET AL.					
	Office Action Summary	Examiner	Art Unit					
		Arpan P. Savla	2185					
Period fo	The MAILING DATE of this communication Reply	on appears on the cover sheet	with the correspondence a	ddress				
WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR CHEVER IS LONGER, FROM THE MAIL nsions of time may be available under the provisions of 37 SIX (6) MONTHS from the mailing date of this communical period for reply is specified above, the maximum statutor re to reply within the set or extended period for reply will, the period for reply will be period for reply w	NG DATE OF THIS COMMUN CFR 1.136(a). In no event, however, may tion. y period will apply and will expire SIX (6) Mo by statute, cause the application to become	NICATION. a reply be timely filed ONTHS from the mailing date of this of ABANDONED (35 U.S.C. § 133).					
Status		•						
1) ズ	Responsive to communication(s) filed o	n 11 December 2003.						
, —		☐ This action is non-final.						
,—	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
,_	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
			•					
Dispositi	on of Claims			•				
4)🖂	Claim(s) 1-32 is/are pending in the appl	cation.						
	4a) Of the above claim(s) is/are withdrawn from consideration.							
5)⊡	Claim(s) is/are allowed.							
6)⊠	Claim(s) <u>1-32</u> is/are rejected.							
7)	Claim(s) is/are objected to.		•					
8)	Claim(s) are subject to restriction	and/or election requirement.						
Applicati	ion Papers							
9) 🖂	The specification is objected to by the Ex	caminer.						
10)⊠ The drawing(s) filed on <u>11 December 2003</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
	Replacement drawing sheet(s) including the			FR 1.121(d).				
11)	The oath or declaration is objected to by							
Priority (under 35 U.S.C. § 119							
12)	Acknowledgment is made of a claim for	foreign priority under 35 U.S.C	. § 119(a)-(d) or (f).					
a)	a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received.							
	 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage 							
	3. Copies of the certified copies of the application from the International	•		lotage				
* (• •		ot received					
* See the attached detailed Office action for a list of the certified copies not received.								
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Attachmen	nt(s)							
	ce of References Cited (PTO-892)	4) 🔲 Interview	w Summary (PTO-413)					
2) Notice	ce of Draftsperson's Patent Drawing Review (PTO-	948) Paper N	lo(s)/Mail Date					
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 12/11/03. 5) Notice of Informal Patent Application 6) Other:								
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DETAILED ACTION

The instant application having Application No. 10/734,659 has a total of 32 claims pending in the application, there are 2 independent claims and 30 dependent claims, all of which are ready for examination by the Examiner.

INFORMATION CONCERNING OATH/DECLARATION

Oath/Declaration

1. Applicant's oath/declaration has been reviewed by Examiner and is found to conform to the requirements prescribed in 37 CFR 1.63.

INFORMATION CONCERNING DRAWINGS

Drawings

 Applicant's drawings submitted December 11, 2003 are acceptable for examination purposes.

ACKNOWLEDGMENT OF REFERENCES CITED BY APPLICANT

Information Disclosure Statement

3. As required by MPEP § 609(c), Applicant's submission of the Information Disclosure Statement dated December 11, 2003 is acknowledged by Examiner and cited references have been considered in the examination of the claims now pending. As required by MPEP § 609 c(2), a copy of the PTOL-1449 initialed and dated by Examiner is attached to the instant Office action.

OBJECTIONS

Specification

4. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

The abstract of the disclosure is objected to because it is not descriptive. The abstract provided in this application should at least provide the technical disclosure of the improvement and also concise details of the organization and/or operation of the system. Correction is required. See MPEP § 608.01(b).

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5. The section entitled "Cross-Reference to Related Applications" must properly identify all co-pending applications with their corresponding application numbers (i.e. serial numbers).

Appropriate correction is required.

REJECTIONS NOT BASED ON PRIOR ART

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims fail to produce a tangible result. To be tangible the claimed invention must produce a practical application or real world result. Independent claims 1 and 17 merely recite a determination step and a definition step. The determination and definition steps are never applied in a meaningful way to produce a practical application or real world result (i.e. the determination and definition steps do not result in a physical transformation). Thus, claims 1-32 are directed to non-statutory subject matter.

REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 9. <u>Claims 1-3, 5-7, 10-13, 17-19, 21-23, and 26-29</u> are rejected under U.S.C. 102(b) as being anticipated by Yao et al. (U.S. Patent 5,938,734).
- 10. As per claim 1, Yao discloses a method comprising:

determining an organization of at least one content of at least one spatial data storage system (col. 6, lines 59-64; Fig. 4, element S18); It should be noted that the "disk device" is analogous to the "spatial data storage system."

and defining a schedule of content transmission in response to the organization of the at least one content of the at least one spatial data storage system, the schedule identifying the content by one or more times (col. 7, lines 21-60; Fig. 5, elements S21-S25). It should be noted that "carries out the scheduling" is analogous to "defining a schedule."

11. As per claim 2, Yao discloses said determining an organization of at least one content of at least one spatial data storage system further comprises:

determining one or more storage locations of at least one spatial address device associated with a video recording (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18). See the citation note for the first limitation in claim 1 above.

12. As per claim 3, Yao discloses said determining an organization of at least one content of at least one spatial data storage system further comprises:

determining one or more storage locations of at least one spatial address device associated with at least one audio recording (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18). See the citation note for the first limitation in claim 1 above.

13. As per claim 5, Yao discloses said determining an organization of at least one content of at least one spatial data storage system further comprises:

determining one or more storage locations of at least one spatial address device associated with at least a portion of at least one of computer processable and network processable data (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18). It should be noted that video and audio streams are all both computer processable data as well as network processable data. Also, see the citation note for the first limitation in claim 1 above.

14. As per claim 6, Yao discloses said determining an organization of at least one content of at least one spatial data storage system further comprises:

determining an organization of at least one content of at least one file address storage system (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18).

15. As per claim 7, Yao discloses said determining an organization of at least one content of at least one spatial data storage system further comprises:

determining an organization of at least one content of at least one disk address storage system (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18).

16. As per claim 10, Yao discloses said determining an organization of at least one content of at least one spatial data storage system further comprises:

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determining an organization of at least one content of at least one object address storage system (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18).

17. As per claim 11, Yao discloses said defining a schedule of content transmission in response to the organization of the at least one content of the at least one spatial data storage system, the schedule identifying the content by one or more times further comprises:

defining the schedule in response to an order in which the at least one content is spatially resident upon one or more spatial address devices (col. 7, lines 21-60; Fig. 5, elements S21-S25). It should be that the "real time stream data" located on the disk device is analogous to "at least one content spatially resident upon one or more spatial address devices."

18. As per claim 12, Yao discloses said defining the schedule in response to an order in which the at least one content is spatially resident upon one or more spatial address devices further comprises:

determining a first time interval during which a first segment of a first content will be read from a first spatial address device (col. 9, lines 33-43 and 58-64; Fig. 7); It should be noted that "S0" is analogous to the "first segment of a first content" and "disk-0" is analogous to the "first spatial address device."

determining a second time interval during which a first segment of a second content will be read from a second spatial address device (col. 9, lines 33-43 and 58-64; Fig. 7); It should be noted that "S1" is analogous to the "first segment of a second content" and "disk-4" is analogous to the "second spatial address device."

and defining the schedule in response to the first time interval and the second time interval (col. 9, lines 44-52).

19. As per claim 13, Yao discloses said defining the schedule in response to an order in which the at least one content is spatially resident upon one or more spatial address devices further comprises:

determining a first time interval during which a first segment of a first content will be read from a first spatial address device (col. 9, lines 33-43; Fig. 6); It should be noted that "S0" is analogous to the "first segment of a first content" and "disk-0" is analogous to the "first spatial address device."

determining a second time interval during which a second segment of the first content will be read from a second spatial address device (col. 9, lines 33-43; Fig. 6); It should be noted that "S1" is analogous to the "second segment of a first content" and "disk-1" is analogous to the "second spatial address device."

and defining the schedule in response to the first time interval and the second time interval (col. 9, lines 44-52).

20. As per claim 17, Yao discloses a system comprising:

means for determining an organization of at least one content of at least one spatial data storage system (col. 6, lines 59-64; Fig. 4, element S18); See the citation note for the similar limitation in claim 1 above.

and means for defining a schedule of content transmission in response to the organization of the at least one content of the at least one spatial data storage system,

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the schedule identifying the content by one or more times (col. 7, lines 21-60; Fig. 5, elements S21-S25). See the citation note for the similar limitation in claim 1 above.

21. As per claim 18, Yao discloses said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

means for determining one or more storage locations of at least one spatial address device associated with a video recording (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18). See the citation note for the first limitation in claim 1 above.

22. As per claim 19, Yao discloses said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

means for determining one or more storage locations of at least one spatial address device associated with at least one audio recording (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18). See the citation note for the first limitation in claim 1 above.

23. As per claim 21, Yao discloses said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

means for determining one or more storage locations of at least one spatial address device associated with at least a portion of at least one of computer processable and network processable data (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18). See the citation note for claim 5 above.

24. As per claim 22, Yao discloses said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

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means for determining an organization of at least one content of at least one file address storage system (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18).

25. As per claim 23, Yao discloses said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

means for determining an organization of at least one content of at least one disk address storage system (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18).

26. As per claim 26, Yao discloses said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

means for determining an organization of at least one content of at least one object address storage system (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18).

27. As per claim 27, Yao discloses said means for defining a schedule of content transmission in response to the organization of the at least one content of the at least one spatial data storage system, the schedule identifying the content by one or more times further comprises:

means for defining the schedule in response to an order in which the at least one content is spatially resident upon one or more spatial address devices (col. 7, lines 21-60; Fig. 5, elements S21-S25). See the citation note for claim 11 above.

28. As per claim 28, Yao discloses said means for defining the schedule in response to an order in which the at least one content is spatially resident upon one or more spatial address devices further comprises:

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means for determining a first time interval during which a first segment of a first content will be read from a first spatial address device (col. 9, lines 33-43 and 58-64; Fig. 7); See the citation note for the similar limitation in claim 12 above.

means for determining a second time interval during which a first segment of a second content will be read from a second spatial address device (col. 9, lines 33-43 and 58-64; Fig. 7); See the citation note for the similar limitation in claim 12 above.

and means for defining the schedule in response to the first time interval and the second time interval (col. 9, lines 44-52).

29. As per claim 29, Yao discloses said means for defining the schedule in response to an order in which the at least one content is spatially resident upon one or more spatial address devices further comprises:

means for determining a first time interval during which a first segment of a first content will be read from a first spatial address device (col. 9, lines 33-43; Fig. 6); See the citation note for the similar limitation in claim 13 above.

means for determining a second time interval during which a second segment of the first content will be read from a second spatial address device (col. 9, lines 33-43; Fig. 6); See the citation note for the similar limitation in claim 13 above.

and means for defining the schedule in response to the first time interval and the second time interval (col. 9, lines 44-52).

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Claim Rejections - 35 USC § 103

- 30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 31. <u>Claims 14-16 and 30-32</u> are rejected under 35 U.S.C. 103(a) as being obvious over Yao in view of Gallagher et al. (U.S. Patent 5,644,789).
- 32. As per claim 14, Yao discloses all the limitations of claim 14 except said defining a schedule of content transmission in response to the organization of the at least one content of the at least one spatial data storage system, the schedule identifying the content by one or more times further comprises:

selecting a first content from a log of one or more data switch controller content requests.

Gallagher discloses said defining a schedule of content transmission in response to the organization of the at least one content of the at least one spatial data storage system, the schedule identifying the content by one or more times further comprises:

selecting a first content from a log of one or more data switch controller content requests (col. 3, lines 61-63; col. 6, lines 34-44; Fig. 2, element 323; Fig. 5). It should be noted that the "queue" is analogous to the "log."

Yao and Gallagher are analogous art because they are from the same field of endeavor, that being multimedia playback systems.

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At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Gallagher's execution queue within Yao's real time stream server.

The motivation for doing so would have been to provide more efficient utilization of disk storage devices (Gallagher, col. 2, lines 60-61).

Therefore, it would have been obvious to combine Yao and Gallagher for the benefit of obtaining the invention as specified in claim 14.

33. As per claim 15, the combination of Yao/Gallagher discloses said selecting a first content from a log of one or more data switch controller content requests further comprises:

generating a prospective request for content from a data switch controller (Gallagher, col. 3, lines 58-63);

and logging the prospectively generated request for content from the data switch controller (Gallagher, col. 4, lines 1-9; Fig. 2, element 323). It should be noted that "placement in the execution queue" is analogous to "logging."

34. As per claim 16, the combination of Yao/Gallagher discloses said generating a prospective request for content from a data switch controller further comprises:

consulting at least one historical request for content from at least one data switch controller (Gallagher, col. 5, lines 62-64; Fig. 5). It should be noted that "request 2" is consulted in order to execute "function 2."

35. As per claim 30, Yao discloses all the limitations of claim 30 except said means for defining a schedule of content transmission in response to the organization of the at

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least one content of the at least one spatial data storage system, the schedule identifying the content by one or more times further comprises:

means for selecting a first content from a log of one or more data switch controller content requests.

Gallagher discloses said means for defining a schedule of content transmission in response to the organization of the at least one content of the at least one spatial data storage system, the schedule identifying the content by one or more times further comprises:

means for selecting a first content from a log of one or more data switch controller content requests (col. 3, lines 61-63; col. 6, lines 34-44; Fig. 2, element 323; Fig. 5). See the citation note for claim 14 above.

Yao and Gallagher are analogous art because they are from the same field of endeavor, that being multimedia playback systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Gallagher's execution queue within Yao's real time stream server.

The motivation for doing so would have been to provide more efficient utilization of disk storage devices (Gallagher, col. 2, lines 60-61).

Therefore, it would have been obvious to combine Yao and Gallagher for the benefit of obtaining the invention as specified in claim 30.

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36. As per claim 31, the combination of Yao/Gallagher discloses said means for selecting a first content from a log of one or more data switch controller content requests further comprises:

means for generating a prospective request for content from a data switch controller (Gallagher, col. 3, lines 58-63);

and means for logging the prospectively generated request for content from the data switch controller (Gallagher, col. 4, lines 1-9; Fig. 2, element 323). See the citation note for the similar limitation in claim 15 above.

37. As per claim 32, the combination of Yao/Gallagher discloses said means for generating a prospective request for content from a data switch controller further comprises:

means for consulting at least one historical request for content from at least one data switch controller (Gallagher, col. 5, lines 62-64; Fig. 5). See the citation note for claim 16 above.

- 38. <u>Claims 4, 8-9, 20, and 24-25</u> are rejected under 35 U.S.C. 103(a) as being obvious over Yao in view of Jaeger (U.S. Patent 6,345,028).
- 39. As per claim 4, Yao discloses all the limitations of claim 4 except said determining an organization of at least one content of at least one spatial data storage system further comprises:

determining one or more storage locations of at least one spatial address device associated with at least one audio-visual recording.

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Jaeger discloses said determining an organization of at least one content of at least one spatial data storage system further comprises:

determining one or more storage locations of at least one spatial address device associated with at least one audio-visual recording (col. 6, lines 49-58; col. 8, lines 36-46; Fig. 5). It should be noted that "audio and video tracks" are analogous to "at least one audio-visual recording."

Yao and Jaeger are analogous art because they are from the same field of endeavor, that being multimedia playback systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Jaeger's time stamp locations of the composite data frames within Yao's real time stream server.

The motivation for doing so would have been to maximize the number of audio or video tracks that can be played back from a disk drive (Jaeger, col. 1, lines 14-16).

Therefore, it would have been obvious to combine Yao and Jaeger for the benefit of obtaining the invention as specified in claim 4.

40. As per claim 8, the combination of Yao/Jaeger discloses said determining an organization of at least one content of at least one spatial data storage system further comprises:

determining an organization of at least one content of at least one tape address storage system (Jaeger, col. 5, lines 12-20; col. 6, lines 49-58).

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As per claim 9, the combination of Yao/Jaeger discloses said determining an organization of at least one content of at least one spatial data storage system further comprises:

determining an organization of at least one content of at least one substantially static memory address storage system (Jaeger, col. 5, lines 12-20; col. 6, lines 49-58).

42. As per claim 20, Yao discloses all the limitations of claim 20 except said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

means for determining one or more storage locations of at least one spatial address device associated with at least one audio-visual recording.

Jaeger discloses said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

means for determining one or more storage locations of at least one spatial address device associated with at least one audio-visual recording (col. 6, lines 49-58; col. 8, lines 36-46; Fig. 5). See the citation note for claim 4 above.

Yao and Jaeger are analogous art because they are from the same field of endeavor, that being multimedia playback systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Jaeger's time stamp locations of the composite data frames within Yao's real time stream server.

The motivation for doing so would have been to maximize the number of audio or video tracks that can be played back from a disk drive (Jaeger, col. 1, lines 14-16).

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Therefore, it would have been obvious to combine Yao and Jaeger for the benefit of obtaining the invention as specified in claim 20.

As per claim 24, the combination of Yao/Jaeger discloses said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

means for determining an organization of at least one content of at least one tape address storage system (Jaeger, col. 5, lines 12-20; col. 6, lines 49-58).

As per claim 25, the combination of Yao/Jaeger discloses said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

means for determining an organization of at least one content of at least one substantially static memory address storage system (Jaeger, col. 5, lines 12-20; col. 6, lines 49-58).

Conclusion

STATUS OF CLAIMS IN THE APPLICATION

The following is a summary of the treatment and status of all claims in the application as recommended by MPEP 707.70(i):

CLAIMS REJECTED IN THE APPLICATION

Per the instant office action, <u>claims 1-32</u> have received a first action on the merits and are subject of a first action non-final.

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RELEVANT ART CITED BY THE EXAMINER

The following prior art made of record and not relied upon is cited to establish the level of skill in Applicant's art and those arts considered reasonably pertinent to Applicant's disclosure. See MPEP 707.05(e).

- 1. U.S. Patent 5,956,321 (Yao et al.) discloses a stream scheduling system capable of lowering a probability for a response time of a real time stream server to exceed a specified time limit.
- 2. U.S. Patent 6,049,891 (Inamoto) discloses a data access control system for reading/writing data from/to an array of storage units, which is resilient to read/writing errors to avoid lost data, while meeting the realtime requirements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arpan P. Savla whose telephone number is (571) 272-1077. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sanjiv Shah can be reached on (571) 272-4098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Arpan Savla

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October 26, 2006

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